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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,816	08/30/2005	Thomas Marotzke	076326-0300	1994
22428 7590 07/10/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
			EXAMINER ILAN, RUTH	
			ART UNIT 3616	PAPER NUMBER
			NOTIFICATION DATE 07/10/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

# Office Action Summary

## Application No.

10/524,816

## Applicant(s)

MAROTZKE, THOMAS

## Examiner

Ruth Ilan

## Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities: In claim 15, line 2, before the first instance of "module", "the" should be inserted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 17, this claim includes the limitation "wherein the portion of the module housing configured to engage the gas generator is a projection on the interior of the module housing" and in claim 18, "wherein the projection is integrally formed with the module housing". These limitations are not found in the specification as originally filed. The portion (9) that forms the gap is not a projection on the interior of the housing module, it is a bead on the retainer, that is disclosed as an element that is separate from the housing module, and as such is certainly not integral.

Art Unit: 3616

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, line 6 recites that the module housing includes "at least one portion arranged on the interior of the module housing that is configured to engage the gas generator to create a gap between the gas generator and the module housing". This recitation is confusing because as disclosed, the portion that creates the gap is element (9), which is a bead on the retainer plate, which is an element separate from the module housing. Further regarding claim 1, "each outflow opening to be closed" lacks antecedent basis. Regarding claim 10, "the beads lacks antecedent basis". Regarding claim 11, "the retaining plate" lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuretake (JP 6-286542 A) in view of Bishop et al. (US 5,472,229.) Kuretake teaches a tubular gas generator with a plurality of outflow openings (34) (see Figure 4) and a module housing (24) that is a half shell which as broadly claimed "matches" the

shape of the gas generator, in that it abuts two sides tangentially, and with a retaining plate (22) that is a cylindrical half shell. Since the ends of 22 abut the ends of the gas generator, it can fairly be said to be configured to engage the gas generator to create a gap (see Figures 1 and 2.) Kuretake fails to teach that the outflow openings of the gas generator is closed by a closure element. Bishop et al. teaches that it is known to provide gas flow openings with a closure (60) element which can fairly be termed a stopper or a cylindrical lug, and has the diameter of the outflow opening (see Figure 7). This closure element is used to provide a safer installation by providing for an inflator that includes a thrust neutral condition when the inflator is not attached to the structure (see abstract.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include an inflator and closure elements as taught by Bishop et al. with the module of Kuretake, in order to provide for a module that includes safer transport of the gas generator. As seen in Figure 1 and 2, the module of Kuretake et al. bears tightly against the inflator in the area of the fastener elements, and would reasonably be expected to do so after the modification.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuretake (JP 6-286542 A) in view of Bishop et al. (US 5,472,229) and further in view of Lauritzen et al. (US 5,332,256) Kuretake in view of Bishop et al. is discussed above, and does not teach that the module housing is a cylindrical half shell. Lauritzen et al. teaches that it is known to provide the half shell of the module housing in the shape of a cylindrical half shell that provides a secure attachment for the inflator (see abstract.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include

a cylindrical shape for the half shell of Kuretake in view of Bishop et al., based on the teaching of Lauritzen, in order to provide a secure attachment for the inflator. Further, it has been held that a change in shape is well within the level of ordinary skill in the art.

9. Claims 10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuretake (JP 6-286542 A) in view of Bishop et al. (US 5,472,229) and further in view of Suzuki et al. (US 2001/0011816 A1) or Risko (US 4,153,273.) Kuretake in view of Bishop et al. is discussed above, and fails to teach that beads are used to form that gap between the retainer plate and the gas generator. Both Suzuki et al. (66 F, 66G) and Risko (74) teach that it is well known to provide a gap between an inflator and a retainer by using beads, that project into the housing. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the known beads on retainer plates as taught by both Risko and Suzuki et al., with the airbag module of Kuretake et al. in view of Bishop to achieve the predictable result of a spaced gap between the retainer and the gas generator, use to guide the gas flow.

10. Claims 7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuretake (JP 6-286542 A) in view of Bishop et al. (US 5,472,229) and further in view of Einsiedel et al. (US 6,318,754.) Kuretake in view of Bishop et al. is discussed above, and fails to teach that the closure element is integral. Einsiedel et al. teaches that it is known to use integral closure elements to install a previously thrust neutral inflator. The closure element (16) can fairly be termed a stopper, or cylindrical lug, it has a conical end, and has a diameter of the outflow opening. Additionally, absent any further structural limitation, it can also be termed a bead. Because both Kuretake in view

of Bishop et al. and Einsiedel et al. teach ways of mounting thrust neutral inflators with closure elements upon installation, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the module of Kuretake in view of Bishop et al. to include an integral closure element to achieve the predictable result of closing the thrust neutral gas generator upon installation.

***Allowable Subject Matter***

11. Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Response to Arguments***

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan  
Primary Examiner  
Art Unit 3616

/Ruth Ilan/  
Primary Examiner, Art Unit 3616